



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Lori F. Kaplan
Commissioner

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Bharat Mathur, Director
Air and Radiation Division
Region V
U.S. Environmental Protection Agency
77 W Jackson Blvd.
Chicago, IL 60604

November 15, 2001

Dear Mr. Mathur:

Re: Actions to Address Title V Operating Permit
Program Deficiencies

The purpose of this letter is to respond to yours of October 31, 2001 in which you request that IDEM address certain deficiencies in Indiana's Title V Air Operating Permit Program. These deficiencies, which were listed in the enclosure to your letter, have been identified either by USEPA directly or as a result of public comment, and must be corrected for USEPA to grant full approval of Indiana's permit program.

Staff in IDEM's Office of Air Quality have been working with your staff, interested parties in Indiana, and the Indiana Air Pollution Control Board over the past year to address these issues, some of which have required actual changes to Indiana's rules and others of which have resulted in changes to model permit language or program guidance. As will be described further in this letter and the enclosures, IDEM has taken all necessary steps to correct each of the deficiencies, and we look forward to full and final approval from USEPA.

Many of the issues raised in your letter required amendments to Indiana's air permitting rules. IDEM expeditiously initiated the legal steps required to amend these rules on December 1, 2000 by publishing a notice of our intent to address these issues in the Indiana Register. IDEM provided draft rules for public review on April 1, 2001. We specifically provided copies of the draft rules to the citizens who had commented on our program in response to the December 11, 2000 Federal Register notice. The Air Pollution Control Board adopted proposed rules following a public hearing on June 6, 2001. Final rules were adopted after a second public hearing on October 3, 2001. IDEM and U.S. EPA staff worked closely throughout this time to ensure that the amended rules would satisfy all federal requirements and IDEM has provided your staff with a copy of the rules as they were final adopted by the board. Several administrative steps remain before the rules become effective. These are review by the Indiana Attorney General's office (IDEM's Office of Legal Counsel has carefully reviewed these rules to ensure the Attorney General's review would be straightforward), review and approval by the Governor's office, and filing by the Secretary of State. Rules become effective under law 30 days after filing by the Secretary of State. Assuming the maximum time allowed by law for each of these steps, the effective date is expected to be no later than February 28, 2002.

Enclosure One lists the deficiencies that were identified in your October letter and includes responses on how IDEM has corrected them.

Enclosure Two provides the revised permit language that Indiana will incorporate into Title V Operating Permits to satisfy the deficiencies identified by citizens and EPA. The revised permit conditions will be implemented on December 1, 2001. IDEM will revise other permit conditions as soon as the amended rules become effective.

Enclosure Three is IDEM's protocol for incorporating the provisions of federally-approved permits into Title V Operating Permits. This protocol relies on the newly amended rules and will be implemented upon the effective date of those rules.

I appreciate the cooperative effort of U.S. EPA and IDEM staff who have worked over the past year to ensure that the Indiana Title V Operating Permit program satisfies all federal requirements under 40 CFR 70. I respectfully request that U.S. EPA take expeditious action and complete the federal process of approving these revisions to our program. Both Paul Dubenetzky, Chief of the Permits Branch and I are available to answer any questions you or your staff have regarding this submittal. Mr. Dubenetzky can be reached at (317) 232-8217, and I can be reached at (317) 232-8222.

Sincerely,

Original signed by Janet G. McCabe

Janet G. McCabe
Assistant Commissioner
Office of Air Quality

JM/PD/SP/enclosures